

Appl. No 10/645,485

Reply to Office Action of February 6,2006

**REMARKS/ARGUMENTS**

Claims 1-57 remain in this application. Claims 46, 49 and 56 have been amended. Claims 1-45 have been previously withdrawn. Claims 47, 48, 50-55 and 57 are original. Claims 58-60 has been cancelled.

**Claims objections**

The Examiner has objected to claims 46 and 49 because of minor typographical informalities. Amended claim 46 does not include the term "scrappabl" objected to by the Examiner and amended claim 49 corrects the spelling of "scrapped". In view of the above, the Applicant respectfully requests that the objection to the claims be withdrawn.

**Statement of rejection under 35 U.S.C. §112**

The Examiner has rejected claims 49, 56, 57 and 60 under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claim 60 has been cancelled. Claims 49, and 56 have been amended to introduce proper antecedent basis to the terms objected to by the Examiner. While the Examiner has mentioned that claim 57 was rejected under 35 U.S.C. §112, no specifics have been given as to why claim 57 is rejected. Since the Applicant does not see any obvious reasons why claim 57 would not comply with 35 U.S.C. §112, claim 57 was not amended and the Applicant assumed that claim 57 was rejected by mistake.

In view of the above, the Applicant respectfully requests that the rejections of claims 49, 56, 57 and 60 be withdrawn.

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**Statement of rejection under 35 U.S.C. §102**

Claims 46-60 have been rejected under 35 U.S.C. §102 as being anticipated by US Design Patent D374,380, hereinafter Sawatsky.

Amended claim 46 now includes the following limitations:

"a body having a substantially planar working surface, said working surface including a main area and at least one auxiliary area, **said main and auxiliary areas being substantially coplanar and extending continuously from each other**, said main and auxiliary areas respectively defining a main area peripheral edge and an auxiliary area peripheral edge; said main and auxiliary area peripheral edges **having distinct geometrical configurations for facilitating the visual identification and recognition thereof**; whereby said main and auxiliary areas are adapted to be used for distinct food preparation operations and **said continuous relationship between said main and auxiliary areas allows scraping said foodstuff between said main and auxiliary areas.**" (emphasis added)

In opposition to these limitations, the Sawatsky reference clearly defines a groove in the working area. The presence of presence of the groove is clearly contrary to the limitation : "said main and auxiliary areas being substantially coplanar and extending **continuously** from each other" as the groove is a discontinuity between the two areas.

Indeed, as mentioned in the claim, "said continuous relationship between said main and auxiliary areas allows scraping said foodstuff between said main and auxiliary areas". As mentioned in the first paragraph of page 2 of the

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application as currently on file, "(...) the conventional cutting board has certain limitations and presents some drawbacks. For example, prior art cutting boards generally do not provide means for the convenient separation of usable food portions from food scrap, of usable portions between themselves and of both usable portions and debris from the foodstuff being processed." This is especially the case if a groove is provided between two areas, as in the cutting board illustrated in Sawatsky, as foodstuff will become stuck in the groove and prevent scraping the food between the two areas.

The claimed invention has many advantages over the prior art cited by the Examiner. For example, as specified on page 29, 2<sup>nd</sup> paragraph: "Facilitation of the visual identification and differentiation of the main and auxiliary areas 14 improves the overall cognitive ergonomicity of the food preparation operation since it allows the intended user to mentally define individual sections allocated to specific tasks. Also, since the main and auxiliary sections 12, 14 are substantially coplanar the foodstuff is **easily scrapable** between the main and auxiliary areas 12, 14 during processing thereof." And on page 7, 2<sup>nd</sup> paragraph : "The implement **reduces the labour involved in transferring foodstuff** between food preparation stages and **reduces the required table or counter top surface.**"

In view of the above, the Applicant respectfully submits that the invention claimed in amended claim 46 is neither taught nor suggested by Sawatsky. In fact, Sawatsky teaches away from the claimed invention. Accordingly, the Applicant respectfully requests that the rejections of claim 46 be withdrawn.

Claims 47 - 57 depend directly or indirectly on claim 46. As such, claims 47 - 57 include all the limitations of claim 46. Since the applicant believes that claim 46 is allowable

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form, the applicant respectfully submits that claims 47 - 57 are also in allowable form respectfully requests that the rejections of claims 47 - 57 be withdrawn.

Claims 58-60 have been cancelled. Accordingly, the Applicant respectfully requests that the rejections of claims 58-60 be withdrawn.

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CONCLUSION

In view of the above, it is submitted that claims 46-57 are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims 46-57 at an early date is solicited.

If the claims of the application are not believed to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance of the Examiner in drafting one or more acceptable claims or constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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